IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13470 of 2005

Between:

1 Y. Babu, S/o Balaiah,
R/o H.No. 4-44
2 N. Bagaiah, S/o Dubbaiah,
R/o H.No. 1-7 Both r/o Shankarampet (R) Grampanchayat & Mandal, Medak District.

..... PETITIONERS

AND

1 Election Officer-Stage I, (Superintendent,Mandal Development Office, Ward No.6, Shankarampet (R) Grampanchayat & Mandal, Medak District.
2 District Panchayat Officer, Medak District at Medak.
3 District Collector/District Election Authority. Medak District at Medak.
4 State Election Commission under A.P. Panchayat Raj Act, Andhra Pradesh, Hyderabad, Budha Poornima.
5 Koduri Laxma Goud, S/o Durga Goud,
R/o H.No. 3-91, Shankarampet (R) Grampanchayat & Mandal, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially writ of Mandamus by directing the respondent to conduct elections to casual vacancy of 6th Ward of Shankarampet (R) Grampanchayat & Mandal, Medak District with that of earlier voters list of 6th Ward of said Grampanchayat by declaring the action of respondents in conducting election to 6th Ward casual vacancy with that of new voters and election for 5th respondent as 6th Ward member as illegal, void, contrary to provisions of A.P. Panchayat Raj Act, 1994 and rules made thereunder and also violative of Art. 14 of Constitution of India and pass such other or further orders as the Hon'ble Court deems fit and proper.

Counsel for the Petitioner: MR.L.PRABHAKAR REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

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ORAL ORDER

The petitioners filed the present writ petition seeking to declare the action of the respondents in conducting the election of 6th ward of Shankarampet® Grampanchayat with that of new voters and election of 5th respondent as 6th ward member as illegal, void, contrary to provisions of A.P.Panchayat Raj Act,1994.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.

The main grievance of the petitioners is that the 1st respondent issued notification without publishing voters list proposing to conduct elections to the 6th ward on 28-06-2005,for submission of nominations from 13-06-2005 to 17-06-2005. Further, it is their contention that they made representations on 19-06-2005 and 20-06-2005 requesting to rectify the improper alterations of voters list of Grampanchayat and restore the old status of 6th ward voters list. However, nothing was informed by the respondents nor any action was taken upon their representation. Hence, this writ petition.

It is well settled principle of law that once election notification is issued fixing the schedule of the election, the question of interfering with the election notification does not arise. If the petitioners are aggrieved, they can agitate their grievance before the Election Tribunal. Accordingly, I do not find any reason to interfere with the election notification and thus, this writ petition fails and is liable to be dismissed.

Accordingly, this writ petition is dismissed. No order as to costs.

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ELIPE DHARMA RAO,J

23RD JUNE 2005

***TSNR**

To

1 The Election Officer-Stage I, (Superintendent,Mandal Development Office, Ward No.6, Shankarampet (R) Grampanchayat & Mandal, Medak District.

2 The District Panchayat Officer, Medak District at Medak.

3 The District Collector/District Election Authority. Medak District at Medak.

4 State Election Commission under A.P. Panchayat Raj Act, Andhra Pradesh, Hyderabad, Budha Poornima

5. Two CCS to G.P for Panchayatraj and Rural Development, High Court Buildings, Hyderabad(OUT)

6. Two C.D.Copies.